IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.113 OF 2007

Chandrashekhar Prabhakar Nargunde & Anr. ..Applicants

Versus

Shrikrishna Haribhau Gore & Anr. ..Respondents

Shri Umesh Mankapure for the Applicants.
Shri G.H.Keluskar for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 12, 2007.

P.C.:

1. The learned counsel appearing for the Applicants on instructions of the Applicants state that they are not pressing this Revision Application on merits. He, however, prays that longer time of three years to vacate the suit premises be granted. The learned Advocate appearing for the Respondents opposed the prayer for grant of longer time to vacate the suit premises. He submitted that by way of indulgence, maximum time of six months be granted subject to the Applicants filing usual undertaking.

2. The Applicants have made a statement that they are not pressing Revision Application on merits. Therefore, decree will attain finality. If this Revision Application is admitted by this Court for final disposal, it is obvious that it will not be finally

heard for few years. The decree is only on the ground of default. Considering these aspects, time to vacate the suit premises deserves to be granted up to 31st December, 2009, subject to the Applicants and all their adult family members filing usual undertakings in this Court.

3. Hence,Revision Application is disposed of by passing the following order:

(i) Revision Application is dismissed as not pressed with no orders as to costs.

(ii) Notwithstanding the dismissal of the Revision Application, the decree for possession shall not be executed till 31st December, 2009 subject to the Applicants and their all adult family members filing usual undertakings to vacate the suit premises. The undertakings shall be filed in this Court within a period of four weeks from today.

(iii) If undertakings are not filed within the stipulated time, the decree for possession will forthwith become executable.

. At this stage, the learned Advocate for the Applicants submitted that suit for specific performance filed by the Applicants is not being heard because of the pendency of eviction suit and further proceedings therein. As the proceedings for eviction have now attained finality, it is obvious that on the ground of pendency of the said proceedings, the hearing of the said suit cannot delayed. Hence, no further clarification is necessary.

JUDGE